

and as the language and the title of the act only provide for such purpose it is constitutional. But if it is the intention of the act, as it is avowed to be, by some of those most active in procuring its enactment, to distribute gratuitously the money, it would be unconstitutional, there being no power given to Congress, to make donations of the funds of the federal government; or otherwise to dispose of them, than to carry into execution some other power granted. It would be uncharitable in us to suppose that Congress, under pretence of executing a Constitutional power, intended a direct violation of the instrument to which it owes its existence. We must, therefore, consider the act as being what it purports to be. The 13th section of the act requires the Secretary of the Treasury Department, at the times therein mentioned, to deposite with the States, the money of the Federal Government, the faith of the States being pledged for its return. The General Assembly will have to determine whether the deposite will be received; and if received, appoint some person to receive it, and provide for its safe-keeping. If you receive it, it would be your duty, in order to perform what integrity and prudence require, to make such disposition of it, as would enable the State to return it whenever demanded. The investment of the money, upon unquestionable security, would not only provide for its safety and return when demanded, but would enable the State to use the interest accruing from it, either for the purpose of diffusing education among the people, or to some other object. A copy of the act (marked C.) is sent herewith.

The act of Congress of 1833, the result of a compromise between Nullification and a Protecting Tariff, has produced a state of things heretofore unknown in the annals of Government so much revenue that Government cannot dispose of it, embarrassing both to it and the people. The proper remedy is to reduce the tariff to the wants of the Government; this will prevent a recurrence of the evil. Let it not be said it is a compromise, and ought not to be touched. Did the people authorize the compromise? It is but an act of Congress, which, like all others, can be altered or repealed by the legislative power. — When it exacts from the people more than is required for the expenses of the Government shall it not be altered? Shall it still remain, to take from the earnings of their labor, to heap up a treasure hereafter to be squandered and thrown away or used to corrupt them? or shall